

Transcript of the Testimony of

JENNIFER LUMLEY

May 18, 2022

Henderson vs School District of Springfield, R-12

6:21-CV-03219



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1 Whereupon,

2 MS. JENNIFER LUMLEY,

3 Plaintiff herein, being produced, sworn, and

4 examined, testified as follows:

5 EXAMINATION

6 BY MR. ELLIS:

7 Q. Ms. Lumley, my name's Ransom Ellis. You've been
8 sitting here through the previous deposition;
9 correct?

10 A. Yes.

11 Q. So you've heard my spiel, but I'll tell it to you
12 anyway. I get paid by the word. While we're doing
13 this deposition, if you don't understand anything I
14 ask you, please tell me, and I'll try my best to give
15 you a regurgitation of it that we both can
16 understand. If you need a break, let me know. Not a
17 problem. Just finish the answer to whatever question
18 is out at the time that you want to take a break. We
19 good on those things?

20 A. We're good.

21 Q. Okay. Please state your name for the record.

22 A. Jennifer Lumley.

23 Q. Ms. Lumley, how long have you been employed by the
24 Springfield School District?

25 A. Since August of 2020.

1 Q. And what was your original job with the school
2 district?

3 A. Records secretary for the special education
4 department.

5 Q. And you were in that position when you did the equity
6 training in October of 2020. Would that be correct?

7 A. Yes.

8 Q. And when in 2020 did you start?

9 A. August.

10 Q. Okay. So you were employed for roughly three
11 months --

12 A. Yes.

13 Q. -- at the time of the training?

14 A. Just about, yes.

15 Q. Okay. And since the training -- since October of
16 2020, you applied for another job in the district?

17 A. Yes, I did.

18 Q. And received that job?

19 A. Yes, I did.

20 Q. What is that job?

21 A. Administrative assistant in the AAA department.

22 Q. And what do you do there?

23 A. I'm the administrative assistant to the director of
24 the AAA department.

25 Q. AAA?

1 A. Assessment, accountability --

2 Q. Thank you.

3 A. Yes.

4 Q. Acronyms.

5 A. Yes.

6 Q. I was thinking American Automobile Association. I

7 don't think that's right. Okay. And with your

8 change in position, did you go to a higher grade

9 level?

10 A. Yes, I did.

11 Q. Approximately how much difference in wages did that

12 make for you?

13 A. Couple dollars an hour.

14 Q. All right. So you're a brand-new employee in the

15 school district. And when do you find out that

16 you're going to be going to this equity training?

17 A. About a week -- week and a half before.

18 Q. And when I say equity training now, I'm talking

19 specifically about the one that you did in October of

20 2020. Can we agree on that so I don't have to say

21 the long thing?

22 A. That's fine. Yes.

23 Q. And if I'm talking about Canvas training, I'll talk

24 about --

25 A. That's fine.

1 Q. But you didn't do any Canvas training, did you?

2 A. I did some Canvas training. I'm not sure if it was
3 the equity training.

4 Q. Okay. Do you remember what you did?

5 A. I'm not exactly sure.

6 Q. Okay. So how do you learn about it?

7 A. I got an E-mail from Tanya Rapert on August 20th, I
8 believe, saying that we were required to go to the
9 equity training on October 6th.

10 Q. Okay. So do you ask what it's about, or do you just
11 show up and find out?

12 A. It was about equity and diversity. So --

13 Q. Did anyone other than Dr. Rapert say anything to you
14 or write anything to you about the training that you
15 were going to go to before you went there?

16 A. No.

17 Q. Okay. So you go -- where is that held? At Bentley?

18 A. Yes.

19 Q. And when you walk in, do you sign an attendance
20 sheet?

21 A. At the end of the class, yes.

22 Q. I'll show you what's marked 13.03. Is that the
23 attendance sheet for your program?

24 A. Yes.

25 Q. And your signature's on there?

1 A. Yes.

2 Q. All right. There's eight signatures on here. Is
3 that about how many people there were present?

4 A. I think that's correct.

5 Q. Out of curiosity, how many presenters were there?

6 A. Three.

7 Q. So they were a third of the total number that were in
8 the meeting. Did you know any of these people --
9 these other people? I mean, you're fairly new. I'm
10 just saying did you work with any of them and know
11 them by name?

12 A. Not very well. They were in my department, but I sat
13 upstairs.

14 Q. You're on Level 2?

15 A. Yes.

16 Q. So you were in records?

17 A. Yes.

18 Q. So if somebody needed -- are you filing? Are you
19 pulling stuff out? What are you doing?

20 A. It was --

21 Q. Describe your job for me.

22 A. Okay. If somebody needed, like, a student IEP for --
23 if a child moved from one school to the next or if a
24 hospital needed a special education record for a
25 student, then I would send it to it, or I would

1 forward it on to another school. So it was -- sorry.

2 I'm a little bit nervous.

3 Q. That's fine.

4 A. It was getting information for our schools and then
5 forwarding it on to other schools.

6 Q. All right. So where is the October 6, 2020, meeting
7 held?

8 A. At the Bentley on the first floor.

9 Q. Okay. There's some conference rooms down there. Was
10 it in one of those conference rooms on the first
11 floor?

12 A. Yes.

13 Q. You didn't have very many people. Did you have a lot
14 more room -- could you have put more people in it?

15 A. It was because of COVID. So everyone was spaced out.

16 Q. Prior to the time or after the time -- let's just say
17 after you went to this meeting on October 6th, did
18 you have discussions about the meeting or about your
19 concerns about the meeting with anybody who was a
20 member of the board of education?

21 A. No.

22 Q. Did you have discussions with any of the defendants
23 in this case? That would be the superintendent,
24 Martha Doenning, Dr. Garcia-Pusateri,
25 Lawrence Anderson. Did you discuss it with any of

1 them?

2 A. No.

3 Q. All right. Do you know who John Jungmann is?

4 A. Yes, I do know.

5 Q. Was he superintendent while you were --

6 A. I believe he was for a short while.

7 Q. Okay. Did you discuss it with Dr. Jungmann?

8 A. No.

9 Q. And is it correct that the only districtwide equity
10 training program you attended would have been the
11 fall 2020 districtwide equity training that was held
12 on October 6th for you?

13 A. Yes.

14 Q. October 6, 2020; is that correct?

15 A. I believe so.

16 Q. Okay. You said that you did some Canvas study
17 modules. Do you remember what the topics were?

18 A. I do not.

19 Q. Okay. Was there anything in those Canvas self-study
20 modules that you were concerned about that you didn't
21 feel was appropriate or you didn't like?

22 A. I don't recall at this time.

23 Q. Does that mean at some other time you might recall?

24 A. Possibly, yes.

25 Q. Do you remember taking a Canvas module overview of

1 social and emotional learning from an equity lens?

2 A. No.

3 Q. You don't remember?

4 A. I did not.

5 Q. Did you take a Canvas program elementary social and
6 emotional learning as it relates to racial injustice?

7 A. No.

8 Q. Did you take a Canvas learning program secondary
9 social and emotional learning as it relates to racial
10 injustice?

11 A. No.

12 Q. Did you take a Canvas learning program elementary
13 social and emotional learning as it relates to
14 COVID-19?

15 A. No.

16 Q. Did you take a Canvas learning program secondary
17 social and emotional learning as it relates to
18 COVID-19?

19 A. No.

20 Q. Did you ever take a Canvas self-study module that was
21 designed -- that was designated as ELT?

22 A. No.

23 Q. Are you complaining about anything in your complaint
24 dealing with any program that you might have attended
25 during school year '21-'22?

1 A. Can you ask that again.

2 Q. That was the current school year, the one we're just
3 getting over with.

4 A. Yes.

5 Q. Is there anything in your complaint that you are
6 complaining about and asking for a decision by the
7 Court on any equity training that you would have
8 taken during the school year '21-'22?

9 A. In Canvas or in any kind of training?

10 Q. Any kind of equity training in '21-'22.

11 A. So in the Safe Schools training?

12 Q. That's not equity training.

13 MR. BOUCEK: Object to the form.

14 MR. ELLIS: I'm just separating that out for
15 her.

16 MR. BOUCEK: Okay.

17 A. Well, I think the Safe Schools training did touch on
18 equity training.

19 Q. (By Mr. Ellis) Okay. Let's start over again. Do you
20 understand -- let's leave Canvas aside. Any kind of
21 equity training that you had that was presented by or
22 prepared by the office of equity and diversity for
23 the school district and presented during the 2021-'22
24 school year?

25 A. I don't know if it was prepared by the department.

1 Q. Okay. What was it?

2 A. It was the Safe Schools training.

3 Q. Okay. And when did you take that?

4 A. During this past school year, '21-'22.

5 Q. And was that one of the mandatory trainings that --

6 A. Yes, it was.

7 Q. -- went to getting this extra amount of money?

8 A. I believe so, yes.

9 Q. Okay. Was there anything about that training that
10 you're complaining about in your lawsuit -- that
11 particular training?

12 A. Yes. It touched on the equity and diversity.

13 Q. I'm sorry?

14 A. It's on equity and diversity.

15 Q. And just because it says diversity on it, you're
16 complaining about --

17 A. No, that's incorrect.

18 Q. Okay. Well, I'm trying to understand what you're
19 telling me. My question is -- I'm trying to make
20 sure that I understand all of the training that you
21 are suing about. And I recognize that your concern
22 is -- and know and we're going to discuss what
23 happened during the October 6th equity and diversity
24 training that you received.

25 A. Okay.

1 Q. You've told me now that there was another equity
2 training program that frankly I don't think is
3 mentioned in your complaint, but maybe it is and I
4 missed it. Are you suing about that? Is there
5 something about that that you believe or you're
6 asserting violated your constitutional rights of that
7 training?

8 MR. BOUCEK: Object to the form.

9 Q. (By Mr. Ellis) Do you understand my question?

10 A. I believe that it does. I don't know how else to
11 answer that.

12 Q. You believe it does what?

13 A. That it goes against my rights because of the
14 material in the training.

15 Q. Okay. And when was that training given?

16 A. That was training -- I believe that it was in the
17 fall.

18 Q. Of 2020?

19 A. '21.

20 Q. 2021. That's the school year '21-'22.

21 A. Yes. That would be this year.

22 Q. Okay. I'm going to ask you. Are you asserting this
23 as a part of the complaint?

24 MR. BOUCEK: These are legal questions. We can
25 have our legal argument later.

1 (Discussion off record.)

2 Q. (By Mr. Ellis) Look at Paragraph 46. It says "All
3 staff are required to participate in training to meet
4 their mandatory credit hours. SPS warned staff that,
5 if they did not participate, their pay would be
6 reduced." Do you see that?

7 A. Yes, I do.

8 Q. Did you attend all the training sessions you allege
9 defendant district required you to attend during the
10 school year '20-'21?

11 A. Yes, I did.

12 Q. Was your pay reduced during the school year '20-'21?

13 A. No, it was not.

14 Q. How many mandatory training sessions do you claim you
15 were required to attend during the school year
16 '20-'21?

17 A. All that were required.

18 Q. Good answer. Was that more than one?

19 A. I went to the ALICE training, and I went to the
20 equity training.

21 Q. And were you aware that those two trainings plus the
22 equity training that happened for you in October of
23 2020 were the four components of getting the pay that
24 the district allotted for? Did you know how that was
25 paid?

1 Q. And Dr. Pusateri, was she a trainer?

2 A. Yes.

3 Q. And who was the third? Jimmi Sode?

4 A. Yes.

5 Q. Did anyone in your training session get kicked out?

6 A. No.

7 Q. Do you know of anybody that got kicked out?

8 A. No.

9 Q. Do you know of anybody that didn't get credit?

10 A. No.

11 Q. Do you know of anybody that got disciplined in some
12 way?

13 A. No.

14 Q. Now, because this was seated, did you get paper signs

15 that read "strongly agree" and "agree" and those

16 things?

17 A. No.

18 Q. Look at Paragraph 89, please. It says -- did you
19 find it?

20 A. Yes.

21 Q. "SPS required Jennifer to participate in the same
22 exercises described above including viewing the
23 George Floyd video, identifying where she falls on
24 the oppression matrix, understanding covert and overt
25 white supremacy, and engaging in small and large

1 group discussions about the lessons." Do you see
2 that?

3 A. Yes.

4 Q. The exercises that are referred to were part of the
5 fall 2020 districtwide equity training; correct?

6 A. Correct.

7 Q. And other than the exercises that are specifically
8 mentioned in Paragraph 89, were there any other
9 exercises that you allege you were required to
10 participate in during the fall 2020 districtwide
11 equity training?

12 A. No.

13 Q. Did you physically record the program training?

14 A. No.

15 Q. Did you request anyone else to do that?

16 A. No.

17 Q. Let's talk about the George Floyd video. Did you
18 watch the video when it was presented?

19 A. Yes.

20 Q. Did they do a breakout session?

21 A. Yes.

22 Q. Small group session?

23 A. Yes.

24 Q. Did they just divide you-all in half maybe?

25 A. Groups of two.

1 A. I believe she did.

2 Q. Okay. And so she said what she said about her

3 husband, and then you followed with what you

4 testified to a minute ago?

5 A. Yes.

6 Q. She gave her opinion, and you gave your opinion?

7 A. Yes.

8 Q. Is there anything wrong with what happened there in

9 your mind?

10 A. I don't think so. No.

11 Q. Okay. So how long did that breakout session last?

12 A. Three minutes.

13 Q. You didn't have much time to say much, did you?

14 A. No.

15 Q. So did you go back into the big session and then have

16 further discussion with everybody at that point?

17 A. Yes.

18 Q. Were you called on?

19 A. Our group was.

20 Q. Okay. And who took the lead?

21 A. Amber did.

22 Q. Okay. What did she say?

23 A. I don't remember what she shared.

24 Q. Was your takeaway from that that she was fair to your

25 opinion and to hers?

1 A. She shared her opinion.

2 Q. Okay. She didn't share your opinion?

3 A. No.

4 Q. Okay. Did that matter to you?

5 A. No.

6 Q. Were you asked at all for your opinion?

7 A. No.

8 Q. You allege -- let's talk about the -- strike that.

9 Is that everything that you remember happening
10 in the full session on George Floyd?

11 A. Yes.

12 Q. You talk in your complaint about the oppression
13 matrix.

14 A. Yes.

15 Q. Do you remember that?

16 A. Yes.

17 Q. Tell me about how that was presented to the group.

18 A. It was a slide -- one of the slides. And with the
19 three trainers, it was a bit of a tag team. They all
20 shared, and they went over it a little bit. It
21 wasn't in great detail. We didn't have to rate
22 ourselves on the slide.

23 Q. Do you remember anything that any of them said?

24 A. No.

25 Q. In this area is what I'm talking about on the

1 oppression matrix or about the oppression matrix.

2 A. No, I don't.

3 Q. Did you go into a small group session?

4 A. Not for the oppression matrix.

5 Q. Okay. Were you asked what your opinion was about the

6 oppression matrix?

7 A. No.

8 Q. So basically they did a pretty quick --

9 A. They did.

10 Q. -- look at that and then went on?

11 A. Uh-huh. Yes.

12 Q. Covert and overt white supremacy chart. Now, when

13 you did this -- and I know you were here and you

14 heard the discussion concerning that particular

15 chart. Did you have the pyramid?

16 A. No.

17 Q. You just had the side-by-side?

18 A. Correct.

19 Q. And was that the way it was when it was put up on the

20 screen or however they did it?

21 A. Correct.

22 Q. I mean, it was a PowerPoint, wasn't it?

23 A. Yes.

24 Q. Did anyone call out your name and ask you directly if

25 you understood the covert/overt white supremacy

1 chart?

2 A. No.

3 Q. Was this another one of the ones where you would have
4 had a breakout session? Did you have a breakout
5 session on this?

6 A. No. They talked about some of the items on there,
7 but they didn't go into great detail about the sheet.

8 Q. Okay. All right. Were you asked to affirm or agree
9 to anything associated with the sheet?

10 A. No.

11 Q. Just listen, then?

12 A. Yes.

13 Q. Okay. Was there a big group session? I mean, this
14 was a big group session, I guess, on this; right?

15 A. Yes, it was a big group session.

16 Q. You weren't asked to write anything down or say
17 anything about it and just listen?

18 A. Just listen.

19 Q. Okay. The social identities chart -- do you remember
20 that chart?

21 A. Yes, I do.

22 Q. Tell me how they handled this chart in this meeting.

23 A. They didn't really go over that. They told us to
24 look at it ourselves and fill it out basically on our
25 own time.

1 Q. Okay. Did they have a breakout session about it?

2 A. No.

3 Q. Did it seem like they were running out of time or
4 trying to shorten the meeting, or how did that go?

5 A. For some of the activities they did.

6 Q. And this was one of them?

7 A. Yes.

8 Q. And I'm asking this in a different way, but were you
9 asked anything about your opinion on the social
10 identities chart, how you would have filled it out,
11 how you fit in on it, or anything like that?

12 A. No.

13 Q. Was anybody else asked that?

14 A. No.

15 Q. Somewhere in this process you had a -- you allege
16 that you had a -- I'll call it a back-and-forth. You
17 had a discussion -- that may be a bad way to describe
18 it, but it was with -- and I took it to be a male
19 participant in the meeting. No?

20 A. It was with the trainers.

21 Q. Oh, it was?

22 A. Yes.

23 Q. Did one of your fellow participants jump in in the
24 middle of that?

25 A. Yes.

1 Q. Okay. So what was the subject that you-all were
2 talking about when this came up?

3 A. They had just finished the oppression matrix and
4 discussing that. And the covert/overt white
5 supremacy sheet came up, and I spoke up.

6 Q. Okay. Did you speak up because something was said or
7 something that was on paper or both?

8 A. Both.

9 Q. Okay. What was it that caused you to speak up?

10 A. I spoke up because -- I spoke up because of -- I
11 spoke up because they were painting -- what I said is
12 that they were painting a broad-brush stroke of white
13 people as racist, and I said that that was wrong. I
14 said not all white people are racist. I said there's
15 racism across the board. And, you know, my nephew
16 married a Black woman, and they have children
17 together. And there are Black people that tell her
18 she doesn't count as Black anymore because she
19 married a white man and has children with him. And I
20 said that I grew up in a broken home, a poor home
21 with government handouts. I wasn't born into white
22 privilege. And they said because I was white, I was
23 born into white privilege.

24 Q. Who said that?

25 A. I believe the trainers. They all were coming at me

1 as I was speaking. And they told me that Black
2 people cannot be racist, and I questioned them. I
3 said, "Black people can't be racist?" And they said,
4 "No. They can't be racist, but they can be
5 prejudice." And I was told that I need to reflect on
6 myself because I told them that I'm not racist.

7 Q. Okay. Anything else?

8 A. No.

9 Q. Was there -- and what you were saying is your
10 opinion; right?

11 A. Correct.

12 Q. That's the way you felt?

13 A. Yes.

14 Q. And I suppose -- would you agree with me that they
15 were saying what they felt?

16 A. Apparently, yes.

17 Q. Okay. Did anyone -- any of the participants get
18 involved in that?

19 A. Yes.

20 Q. All right. And who was that? Do you know?

21 A. Amber Hawkins.

22 Q. Okay. And what did Ms. Hawkins say?

23 A. I don't know what she said. I just know that she was
24 yelling at me. She was sitting behind me. And some
25 other members were saying that I didn't understand

1 what they were saying.

2 Q. Okay. You mean -- okay. So tell me first what you
3 remember Amber Hawkins saying to you.

4 A. I don't know. I wasn't listening to her.

5 Q. Who were you listening to?

6 A. The trainers.

7 Q. Okay. So the trainers were talking to you on one
8 side, and Amber Hawkins was behind talking to you?

9 A. Correct.

10 Q. Was there anybody else involved -- I mean, there's
11 not that many people left in the room. Was there
12 anyone else that got involved in that discussion?

13 A. Yes, a couple of people in the class.

14 Q. Okay. In particular?

15 A. I don't know.

16 Q. Was there a man that was involved?

17 A. No.

18 Q. All women?

19 A. Yes.

20 Q. So what do you remember, if anything, the other women
21 said?

22 A. That I didn't understand what they were saying.

23 Q. And "they" being the --

24 A. The trainers.

25 Q. -- trainers. Okay. All right. How long did that

1 last?

2 A. A couple of minutes.

3 Q. Okay. So what did you do as a result of that?

4 A. Mentally shut down.

5 Q. Okay. Do you remember anything else about any of
6 that training?

7 A. We had another breakout session after that happened.
8 Amber was my breakout partner. It felt very hostile.
9 I almost didn't turn around; but I did, and she
10 apologized for yelling at me. And I told her that we
11 all have a voice and that we need to be there for
12 each other. She seemed upset that I said that.

13 Q. Okay. Did she tell you why she was upset?

14 A. No.

15 Q. And when you say "She seemed upset," what do you
16 mean?

17 A. She had a look on her face.

18 Q. Okay.

19 A. She got quiet.

20 Q. And you interpreted it as being she didn't agree with
21 what you said?

22 A. Correct.

23 Q. Did she ever tell you she didn't agree?

24 A. No.

25 Q. Did she not yell at you anymore? I don't know how